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OFFICE OF PETITIONS

In re Application of	:	
Maria Adamzyk, et al.	:	
Application No. 10/606,675	:	DECISION GRANTING
Filed: June 26, 2003	:	PETITION
Attorney Docket No. 9400-26	:	

This is a decision on the petition filed September 24, 2004, requesting that the above-identified application be accorded a filing date of June 26, 2003, rather than the presently accorded date of June 27, 2003. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on June 26, 2003 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV353608431US bears no "date-in," it also includes a USPS receipt date stamp of June 26, 2003. Applicants are alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is June 26, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the USPS receipt date stamp, it is confirmed that the package bearing Express Mail label No. EV353608431US was accepted at the USPS on June 26, 2003, and the filing date of the application is accorded such.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to June 26, 2003**. Thereafter, the application file will be forwarded to Technology Center 3600 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3223.

A handwritten signature in cursive script, reading "Marianne E. Jenkins".

Marianne E. Jenkins

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy